



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No 5541-01
8 February 2002

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Navy Records, sitting in executive session, considered your application on 6 February 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 9 September 1950 for three years. The record reflects that you were advanced to PFC, but served for only four months without incident. During the 10 month period from January to October 1951 you received three nonjudicial punishments (NJP) and were convicted by two summary courts-martial. Your offenses consisted of four periods of unauthorized absence (UA) totaling about 55 days and driving without a valid operator's license.

The record further reflects that on 5 December 1951 you began a tour in Korea and participated in action against enemy forces in South and Central Korea. You were wounded in action on 15 September 1952 and awarded the Purple Heart Medal. You departed Korea on 6 December 1952.

On 8 May 1953 you were convicted by special court-martial of UA from 6-23 April 1953. You were sentenced to two months of hard

labor without confinement, two months of restriction, and a reduction in rank to PVT (E-1).

You served without further incident and received a general discharge upon the expiration of your enlistment on 15 September 1953.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your final conduct and proficiency averages were 3.8 and 6.3, respectively. A minimum average mark of 4.0 in conduct was required for a fully honorable characterization of service at the time of your discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your limited education, combat service in Korea, the statement in support of your application, and the fact that it has been more than 48 years since you were discharged. The Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of three NJPs, convictions by two summary courts-martial and a special court-martial, and your failure to achieve the required average in conduct. The Board concluded that you were fortunate that the command allowed you to complete your enlistment and earn a discharge under honorable conditions. Most individuals with misconduct such as yours were discharged under other than honorable conditions. The Board concluded that you were guilty of too much misconduct to warrant a fully honorable characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director